



VIA FACSIMILE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marton et. al.

Confirmation No.: 8604

Serial No.: 09/823,322

Art Unit: 1631

Filed: April 2, 2001

Examiner: Marschel, A.

For: METHODS FOR DETERMINING  
THERAPEUTIC INDEX FROM GENE  
EXPRESSION PROFILES

Attorney Docket No: 9301-136

AMENDMENT UNDER 37 C.F.R. § 1.116

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

OFFICE OF PETITIONS

Sir:

In response to the Office Action mailed on August 11, 2004 and the Advisory Actions mailed on February 8, 2005 and June 1, 2005, respectively, in connection with the above-identified patent application and in accordance with Rule 116 of the rules of practice, please enter the following amendments and consider the following remarks. Applicants submit concurrently herewith: 1) Amendment Fee Transmittal, accompanied by the appropriate fee; and 2) a Petition for Extension of Time, accompanied by the appropriate fee.

AMENDMENTS TO THE CLAIMS are reflected in the listing of the claims which begins on page 2 of this paper.

REMARKS begins on page 11 of this paper.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile telephone number 1-571-273-8300 on the date shown below.

Adriane M. Antler 32,605  
Adriane M. Antler (Reg. No.)

Date: June 6, 2005